

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/12/2008 has been entered.

### ***Response to Amendment***

2. The amendments, filed 03/12/2008, have been entered and made of record. Claims 14-20 are cancelled, and claims 1-13, 21-26 are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to claim 1-13 and 21-24 have been considered but are moot in view of the new ground(s) of rejection and the response below.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

### ***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-9, 11-13, 21, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skelley (US Pat. No. 6,795,638) in view of Middleton (US PG PUB. 2002/0118300) and further in view of Applicant's related art (page 2 and figures 1 and 2).

Regarding claim 1, Skelley discloses a method for editing a digital broadcasting material in a digital broadcast receiver comprising a recording medium (see fig. 1), the method comprising the steps of:

clipping segments from the digital broadcasting material consisting of program segments and being recorded in the recording medium in a stream type (see col. 4 lines 48-62, col. 5 lines 38-51 and line 52-col. 6 line 3);

recording the clipped segments as new programs, respectively (see col. 5 lines 38-51 and line 64-col. 6 line 10 and lines 25-34, and col. 7 lines 46-54) ; and

wherein clipping the segments comprises:

selecting the digital broadcasting material previously recorded on the recording medium (see col. 5 line 52-col. 6 line 10);

reproducing the digital broadcasting material (see col. 6 lines 23-31); and

selecting a predetermined period of the digital broadcasting material, by designating start point and an end point thereof (see col. 5 lines 14-29 and lines 43-65, col. 6 lines 28-31 and col. 7 lines 14-22).

Claim 1 differs from Skelly in that the claim further requires selecting some of the recorded programs, and merging the selected programs into a new program in the recording medium using start points and end points.

In the same field of endeavor Middleton discloses a method of viewing a sequence of media clips. Middleton discloses creating new programme from the clips stored in the memory (see page 1 paragraphs 0006-0007, 0027-0028, 0042 and 0047). Therefore in light of the teaching in Middleton it is obvious to one of ordinary skill in the art to modify Skelly by further creating a new program from the recorded clips in order to playback the programme of clips without discontinuities.

Claim 1 further differs from the above proposed combination in that the claim further requires recording the selected clips in the same recording medium.

In the same filed of endeavor Applicant's related art discloses recording the selected clips in the same recording medium (see page 2 paragraphs 4-6 where it discloses the hard disk stores a program and selected point of a program). Therefore in light of the teaching of Applicant's related art it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by using one recording medium in order to minimize storage usage.

Regarding claim 3, Skelley discloses full streams of the digital broadcasting material are reproduced (see col. 4 lines 48-62 and col. 6 lines 23-26).

Regarding claim 4, Skelley discloses the digital broadcasting material is reproduced at intervals of a predetermined length (see col. 4 lines 34-62 and col. 5 lines 43-51).

Regarding claim 5, Skelley discloses a representative screen of the digital broadcasting material is reproduced (see col. 5 line 51-col. 6 line 3).

Regarding claim 6, Middleton discloses the step for selecting some of the recorded programs, and merging the selected programs into the new program comprises a step for designating an order of the selected programs (see paragraph 0006).

Regarding claim 7, Skelley discloses the step for selecting some of the recorded programs, and merging the selected programs into the new program comprises a step for recording a screen relating to the merged program (see figures 2 and 3).

Regarding claim 8, Skelley discloses a method for editing a program in a digital broadcast receiver, the method comprising the steps of:

reproducing a program recorded by a user in a recording medium (see col. 4 lines 48-62 and col. 5 lines 52-65);

clipping predetermined periods of the reproduced program by selecting a start point and an end point associated with each the predetermined periods (see col. 5 lines 22-30 and 43-51); and

recording the clipped predetermined periods in the recording medium (see col. 5 line 66-col. 6 line 3 and lines 31-34); and

Claim 8 differs from Skelly in that the claim further requires merging selected periods of the recording predetermined periods into a merged program in the recording medium.

In the same field of endeavor Middleton discloses creating a new program and selecting of the duration of the playback so that the clips are played in a shorter time or by providing a start time and end time relative to the beginning and end of the clip (see paragraph 0006, 0027-

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0028, 0042 and 0047). Therefore in light of the teaching in Middleton it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skelley by providing a predetermined periods into a merged program in order to adjust playback time.

Claim 8 further differs from the above proposed combination in that the claim further requires recording the selected clips in the same recording medium.

In the same filed of endeavor Applicant's related art discloses recording the selected clips in the same recording medium (see page 2 paragraphs 4-6 where it discloses the hard disk stores a program and selected point of a program). Therefore in light of the teaching of Applicant's related art it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by using one recording medium in order to minimize storage usage.

Regarding claim 9, Skelley discloses the recording medium is a hard disk (see col. 3 line 62-col. 4 line 10 and 57-62, and col. 9 lines 28-41).

Regarding claim 11, Skelley discloses full streams of the program recorded by the user are reproduced (see col. 4 lines 34-62 col. 6 lines 20-26).

Regarding claim 12, Skelley discloses the program recorded by the user is reproduced at intervals of a predetermined length (see col. 5 lines 31-37).

Regarding claim 13, Skelley discloses a representative screen of the program recorded by the user is reproduced (see col. 5 line 51-col. 6 line 3).

Claim 21 is rejected for the same reason as discussed in claim 1 above.

Regarding claim 23, Middleton discloses an order of the merged program segments in the new program is different from an order of clipping program segments (It is inherent that the new

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program is created in different order than the original clipping program segments, see paragraph 0015 and 0030).

Regarding claim 24, claim 24 is rejected for the same reason as discussed in claim 1. It is noted that claim 24 recites that the new program has a unique program identifier and each broadcast program segment in the new program cannot be accessed individually. It is inherent that since the new program is recorded as a single file, each broadcast program segment cannot be accessed individually, and it is obvious to one of ordinary skill in the art that new ID is required to access the new program.

Regarding claim 25, claim 25 is rejected for the same reasons as discussed in claim 1 above. It is noted that the conventional art as shown in fig. 1 discloses a demodulator for demodulating the received broadcast signal and outputting demodulated broadcast streams; a packet identifier filter for filtering the demodulated broadcast streams according to a packet identifier; a time stamp handler for inserting a time stamp in the filtered broadcast streams; and a decoder for decoding one of the reproduced program and a program according to the demodulated broadcast stream (see also page 4 paragraphs 2-4 where fig. 1 is described).

Claim 26 is rejected for the same reasons as discussed in claim 25 above.

6. Claims 2, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skelley in view of Middleton and further in view of Applicant's related art and Escobar (US Pat. No. 5, 659,793).

Regarding claim 2, claim 2 differs from Skelley and Middleton and Applicant's related art in that the claim further requires the digital broadcasting material is provided in a multiple

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number. Although Skelley does not specifically teach that the materials are provided in a multiple number, Skelley teaches the event database includes different event types (see col. 5 lines 43-48). Skelley also discloses related events can be added to the database from another source (see col. 5 lines 48-51).

In the same field of endeavor Escobar discloses the video assets are marked as beginning and ending point (see col. 11 line 61-col. 12 line 4). Escobar further discloses the assets are originated from different channels (see fig. 7 and col. 12 lines 4-5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the proposed combination of Skelley and Middleton by providing broadcasting material in multiple number in order to retrieve objects from different server.

Claim 10 is rejected for the same reason as discussed in claim 2 above.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skelley (US Pat. No. 6,795,638) in view of Middleton and further in view of Applicant's related art and Official Notice.

Claim 22 differs from the proposed combination in that the claim further requires at least one program segment of the clipped program segment is a thumbnail image. Although Skelley, Middleton or Applicant's related art fail to disclose at least one program segment of the clipped program segment is a thumbnail image, Official Notice is taken that it is well known in the art to clip thumbnail images. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to clip thumbnail images in order to view multiple images on a screen.

### ***Conclusion***

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329.

The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/  
Examiner, Art Unit 2621  
April 9, 2008

/Thai Tran/  
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